THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 218 of 2006

Committee of Management, Inter College
Vijaypur Kanda, District- Bageshwar, through
Its Manager Sri Naveen Charndra Pant
S/o Sri Ganga Dutt Pant. …….. **Petitioner.**

Versus

1. State of Uttaranchal through the Secretary Secondary Education, Uttaranchal, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Joint Director of Education, Kumaon Mandal, Nainital.
4. District Education Officer, Bageshwar.
5. Inter College, Vijaypur, Kanda, Bageshwar through its Authorized Controller S.D.M. Kapkote, District- Bageshwar. …. **Respondents.**

Sri J.C.Pande, learned counsel for the petitioner.
Sri Atul Bansal Adv. holding brief, learned Standing Counsel for the respondent No. 1 to 5.

Dated March 27, 2006.

Hon'ble B.S. Verma, J.

Heard learned counsel.

The petitioner has filed the present writ petition for quashing the impugned order dated 12-12-2005 (Annexure No. 10 to the writ petition), passed by the Joint Director-respondent no.3 under Section 6(3) of the Payment of Salaries Act, 1971. Before passing the order, the notice under Section 6(2) was also served.

The appeal is provided under Section 7 of the Payment of Salaries Act against the order passed by the Regional Deputy Director of Education superseding the management under sub-section (3) of Section 6 of the Act to the Director. An alternate remedy was available to the petitioner.

On the ground of alternate remedy, the writ petition is dismissed in-limine. However, the petitioner may prefer the appeal before the Director as per provision of law. If the petitioner files the appeal against the impugned order, the Director is directed to dispose of the appeal of the petitioner within a period of eight weeks from the date of production of certified copy of this order.

(B.S. Verma, J.)

RCP